THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1862 of 2007

02.2.2007

Between:

Kandula Srinivasa Rao, S/o.Krishna
And others

... Petitioners

AND

The District Collector, East Godavari, Kakinada
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1862 of 2007

ORDER:

The petitioners are residents of Kapileswarapuram Village in East Godavari District. The first petitioner is Upa-sarpanch. All the petitioners own agricultural lands in the village. It appears that the fifth respondent was granted lease for quarrying sand in Wadapalem reach of Godavari River. The petitioners allege that Narayana Lanka Bridge got damages during the cyclone in 2005-2006. Therefore, the children of the Village use pathway near Narayana Lanka to go to schools and hospitals. The fifth respondent started using Narayana Lanka Bridge for transporting sand by using heavy vehicles. The petitioners apprehend that Narayana Lanka, which is already damaged, faces threat of collapse by using such heavy vehicles, if appropriate measures are not taken. The petitioners, therefore, allegedly made a representation to the first respondent on 26.1.2007 requesting necessary action to stop the heavy vehicles from using the bridge and also direct the lower Authorities to cancel the ramp provided for the sand reach in package No.7. Alleging that no action is taken, the present writ petition is filed seeking a writ of Mandamus to stop the heavy vehicles transporting sand by the fifth respondent and to consider the representation.

There is no denial that fifth respondent became the highest bidder for quarrying sand in Wadapalem reach and the ramp provided for him to transport sand is connected to Narayana Lanka Bridge. There is also no denial that the same pathway and the bridge are being used by the highest

bidders for transporting sand for the last 7 to 8 years, as seen from the representation. Suddenly, the petitioners wake up and allegedly submitted a representation on 26.1.2007. Even before lapse of one week of such representation, in great haste, the present writ petition is filed. Be that as it is, learned Assistant Government Pleader for Panchayats, after getting instructions, submits that the respondents have not received any such complaint/representation from anybody from the petitioners. Learned Counsel for the petitioners is not able to produce any acknowledgement in proof of receipt of representation dated 26.1.2007 by the respondents. Therefore, this Court holds that the writ petition is wholly misconceived and the petitioners have to approach the respondents for proper redressal.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO,J**)

February 02, 2007.
YS